

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Nathan Christopher Braun,

File No. 22-cv-528 (ECT/DJF)

Plaintiff,

v.

**ORDER ACCEPTING REPORT
AND RECOMMENDATION**

State of Minnesota, County of Washington,
City of Bayport, Minnesota Department of
Corrections, Guy Bosch, Victor Wanchena,
CPD Huppert, L. McCoy, and MCF-STW,

Defendants.

Magistrate Judge Dulce J. Foster issued a Report and Recommendation on December 27, 2022. ECF No. 33. No party has objected to that Report and Recommendation, and it is therefore reviewed for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all of the files, records, and proceedings in the above-captioned matter, **IT IS ORDERED THAT:**

1. The Report and Recommendation [ECF No. 33] is **ACCEPTED**;
2. Defendants' Motion to Dismiss [ECF No. 24] is **GRANTED IN PART**, and Plaintiff's claims for declaratory and injunctive relief, as well as Plaintiff's individual capacity claims brought against the remaining Defendants Wanchena, Huppert, and McCoy, are **DISMISSED WITH PREJUDICE**; and

3. Defendants' Motion to Dismiss [ECF No. 24] is **DENIED IN PART** as to Plaintiff's official capacity claims for compensatory and punitive damages.

Dated: January 25, 2023

s/ Eric C. Tostrud

Eric C. Tostrud
United States District Court